

### **REMARKS**

The Office Action dated February 24, 2003 has been reviewed and the Examiner's comments carefully considered. Claim 1 has been amended to include the limitations of claim 2. Claims 26 has been rewritten in independent form. Thus, claims 1 and 3-34 are pending and submitted for reconsideration.

#### **Allowable Subject Matter**

Applicant notes that claim 7 was not rejected and, thus, is presumed to contain allowable subject matter.

#### **35 U.S.C. 102 Rejections**

As mentioned above, claim 1 has been amended to include the limitations of claim 2. Thus, the rejection of claims 1, 8-11, 15, 22-25, 28, 31 and 34 as anticipated by U.S. Patent No. 5,070,741 (Ervin) has been obviated.

Claim 26 is rejected under 35 U.S.C. Section 102(b) as anticipated by Ervin. The rejection should be withdrawn because Ervin fails to disclose, teach or suggest the claimed invention. For example, Ervin fails to disclose an "endless member" as called for in claim 26. The Examiner contends that element 58 of Ervin corresponds to the claimed endless member. However, the Examiner is incorrect, because element 58 is a pinion and not an endless member. A pinion is a small gearwheel that meshes with a larger gear wheel or toothed track - not an endless member. In the present application, the belt 25 represents an exemplary embodiment of the claimed endless member. (See application at paragraph [0050]) Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 28 depends from claim 26 and is allowable therewith, for at least the reason set forth above, without regard to the further patentable limitations contained therein.

#### **35 U.S.C. 103 Rejections**

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ervin in view of U.S. Patent No. 5,507,521 (Steffens). The rejection should be withdrawn, because the cited references (either alone or in combination) fail to disclose teach or suggest the claimed invention. For example, none of the references disclose an apparatus wherein the extending portion of the mount for supporting the steering device is "configured to tilt downward in the

event that the occupant impacts the steering device” as called for in claim 1 (which has been amended to include the limitations of claim 2, now canceled).

The Examiner contends that Steffens discloses a steering wheel that meets the aforementioned limitation. However, the Examiner is incorrect, because Steffens does not disclose that the steering wheel is configured to tilt downward in the event that the occupant impacts the steering device. Instead, Steffens discloses that the steering device is locked in position and only tilts downward automatically in response to a vehicle collision. As recited in Steffens, “an actuator 100 is provided to move the latch 72 along the steering column 20 and to pivot the steering wheel 22 during automatic operation of the tilt mechanism 24.” (Steffens at col. 4, lines 21-23). “[T]he steering wheel 22 is automatically moved downward, approximately when the air bag 28 is inflated. This ensures that the air bag 28 will engage the torso of the vehicle operator 14 to utilize properly the restraining and energy absorbing capability of the air bag 28.” (Steffens at col. 6, lines 15-20). The “pivoting the steering wheel and inflation of the air bag will occur only if the vehicle collision is of a sufficient severity to make pivoting of the steering wheel and inflation of the air bag desirable.” (Steffens at col. 6, lines 37-42). Thus, it is clear that the steering wheel disclosed by Steffens is not configured to tilt downward when impacted by the occupant. Instead, the steering wheel disclosed by Steffens pivots downward when the actuator is initiated. Reconsideration and withdrawal of the rejection is respectfully requested.

Furthermore, even assuming *arguendo* that the combination of references relied upon by the Examiner discloses all of the features of the claimed invention, the rejection should still be withdrawn, because there is no motivation for combining the references. It would not have been obvious to one of ordinary skill in the art to implement the teachings of Steffens in the device of Ervin (without using the information disclosed in the present application), because Steffens is directed to a steering mechanism that only includes a single shaft 36 and not a pair of shafts 18, 20 as disclosed by Ervin. Furthermore, Ervin emphasizes that the two shaft arrangement allows for the axial load on the steering wheel to be absorbed when a gear is extruded through a housing during a controlled collapse of the steering column. (See Ervin at Abstract). Steffens does not provide for a collapsible steering column. Thus, if Ervin was modified as suggested by the Examiner, the steering arrangement of Ervin would no longer function as intended, because the important collapsible feature emphasized by Ervin would

not be available. Thus, the rejection of claim 2 should be withdrawn for at least this additional reason. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3-25, 27, 29-34 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations contained in these dependent claims.

### Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would expedite allowance of the application.

Respectfully submitted,

Date: 5/23/03

By:  ✓

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